

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph M. Asher, et al.

Serial No.: 10/822,484

Filing Date: April 12, 2004

Art Unit: 3694

Confirmation No.: 3028

Examiner: Ella Colbert

Title: **A LOTTERY AND AUCTION BASED
TOURNAMENT ENTRY EXCHANGE PLATFORM**

VIA ELECTRONIC FILING

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**REQUEST FOR CONSIDERATION OF AN INFORMATION
DISCLOSURE STATEMENT TIMELY FILED**

For reasons set forth below, **it is respectfully requested that the United States Patent and Trademark Office (PTO) file for this application be promptly forwarded to Examiner Ella Colbert** for confirmation that Reference O listed on the PTO-1449 attached to the Information Disclosure Statement filed June 7, 2007 has been considered.

On June 7, 2007 Applicants filed electronically an Information Disclosure Statement (IDS) with PTO-1449 form (eleven (11) pages) attached, listing the references submitted for consideration. Copies of the non-U.S. patent references were submitted to the U.S. Patent and Trademark Office on June 7, 2007. A copy of the Electronic Acknowledgement Receipt is attached for the convenience of the Examiner.

An Office Action was mailed on November 20, 2007. However, Examiner Ella Colbert has not returned an initialed copy of the PTO-1449 form indicating consideration of Reference O cited in the Information Disclosure Statement filed June 7, 2007.

Accordingly, **Applicants hereby request confirmation of consideration of Reference O on the previously filed Information Disclosure Statement.** Examiner Ella Colbert is requested to initial Reference O listed on the PTO-1449 form to show that it was appropriately considered during examination of this Application. The Commissioner is hereby authorized to credit any overpayment, or to charge any additional fee required by this paper, to Deposit Account No. 02-0384 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.
Attorneys for Applicants




Samir A. Bhavsar
Reg. No. 41,617

Date: December 18, 2007
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6581

Enclosures: Copy of Information Disclosure Statement filed June 7, 2007
with Form PTO-1449
Copy of the Electronic Acknowledgement Receipt showing date stamp of
June 7, 2007

The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

<input type="checkbox"/> Application - Spec., Claims, Abstract (___ Page(s))		<input type="checkbox"/> Verified Statement (___ Page(s))
<input type="checkbox"/> CIP	<input type="checkbox"/> Conv. Prov.	<input type="checkbox"/> Div.
<input type="checkbox"/> Cont.	<input type="checkbox"/> Provisional	<input type="checkbox"/> ___ Mo. Extension of Time (___ Page(s))
<input type="checkbox"/> Informal/Formal Drawing(s) (___ Page(s))		<input type="checkbox"/> Amendment/Response (___ Page(s))
Declaration(s)/Power(s) of Attorney (___ Page(s))		<input type="checkbox"/> Issue Fee Transmittal (___ Page(s))
<input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted		<input type="checkbox"/> Check No. ___ Amt.: \$
<input type="checkbox"/> Assignment w/ or w/o Cover Sheet (___ Page(s))		<input type="checkbox"/> Check No. ___ Amt.: \$
<input checked="" type="checkbox"/> IDS and PTO-1449 (<u>11</u> Pages)		<input type="checkbox"/> Other:
<input checked="" type="checkbox"/> w/ 62 Refs. <input type="checkbox"/> w/o Refs.		
<input type="checkbox"/> Non-Publication Request (___ Page(s))		
Inventor(s): Joseph M. Asher, et al.		Serial No.: 10/822,484
Title: <i>A Lottery and Auction Based Tournament Entry Exchange Platform</i>		Receipt Date & Serial No.:
Client/Applicant: eSpeed, Inc.		BB File No.: 069547.0157
Mailed: June 7, 2007		
Due:		
Atty./Secy.: SAB/cmf		
Certificate of Mailing 1 Page		
<input checked="" type="checkbox"/> Express Mail Rept. No.: EV 732545286 US		
<input type="checkbox"/> First Class Mail		
<input type="checkbox"/> Hand Delivered		

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Title: *A LOTTERY AND AUCTION BASED
TOURNAMENT ENTRY EXCHANGE PLATFORM*

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Information Disclosure Statement (2 pages), Form PTO-1449 (9 pages), with 62 attached references, Baker Botts return postcard (1 postcard), and this Certificate of Mailing (1 page) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 7th day of June 2007 and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

Express Mail Receipt
No. **EV 732545286 US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Dear Sir:

INFORMATION DISCLOSURE STATEMENT

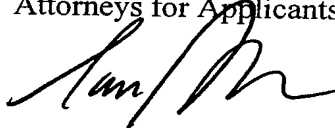
Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. The present application was filed after June 30, 2003. Therefore, under the July 11, 2003 waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office, copies of the U.S. Patents and U.S. Patent Application Publications listed in the attached PTO-1449 form are not enclosed. Copies of all other references are enclosed for the convenience of the Examiner. No representation is made that a search has been made, that these references are material to patentability, or that these references qualify as prior art.

REMARKS

Pursuant to 37 CFR § 1.97(c), the Commissioner is hereby authorized to charge the \$180.00 IDS Fee and to charge any deficiency or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P

Respectfully submitted,

Baker Botts L.L.P.
Attorneys for Applicants



Samir A. Bhavsar
Reg. No. 41,617

Date: June 7, 2007

Correspondence Address:

Customer No. **05073**

**Information Disclosure Citation
In an Application**

 Application No.
10/822,484

 Applicant(s)
Joseph M. Asher, et al.

 Docket Number
069547.0157

 Group Art Unit
3694

 Filing Date
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U.S. PATENT DOCUMENTS

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	3,499,646	03/10/1970	Burgess, Jr., et al.	273	1	12/20/1967
	B	3,573,747	04/06/1971	Adams, et al.	340	172.5	02/24/1969
	C	3,581,072	05/25/1971	Nymeyer	235	152	03/28/1968
	D	4,378,942	04/05/1983	Isaac	273	278	12/19/1980
	E	4,412,287	10/25/1983	Braddock, III	364	408	09/15/1982
	F	4,597,046	06/24/1986	Musmanno, et al.	364	408	09/30/1982
	G	4,674,044	06/16/1987	Kalmus, et al.	364	408	01/30/1985
	H	4,823,265	04/18/1989	Nelson	364	408	05/11/1987
	I	4,903,201	02/20/1990	Wagner	364	408	11/03/1983
	J	4,918,603	04/17/1990	Hughes, et al.	364	410	08/01/1988
	K	4,980,826	12/25/1990	Wagner	364	408	03/19/1984
	L	5,077,665	12/31/1991	Silverman, et al.	364	408	05/25/1989
	M	5,101,353	03/31/1992	Lupien, et al.	364	408	05/31/1989
	N	5,108,115	04/28/1992	Berman, et al.	273	439	10/15/1990
	O	5,136,501	08/04/1992	Silverman, et al.	364	408	05/26/1989
	P	5,270,922	12/14/1993	Higgins	364	408	06/27/1991
	Q	5,297,032	03/22/1994	Trojan, et al.	364	408	02/01/1991
	R	5,375,055	12/20/1994	Togher, et al.	364	408	02/03/1992
	S	5,497,317	03/05/1996	Hawkins, et al.	364	408	12/28/1993
	T	5,508,913	04/16/1996	Yamamoto, et al.	364	408	03/18/1994

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		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
	U						YES	NO

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

PTO-1449

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In an Application**

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		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	5,557,517	09/17/1996	Daughterty, III	364	408	07/29/1994
	B	5,689,652	11/18/1997	Lupien, et al.	395	237	04/27/1995
	C	5,692,233	11/25/1997	Garman	705	36	02/03/1995
	D	5,713,793	02/03/1998	Holte	463	25	04/05/1996
	E	5,727,165	03/10/1998	Ordish, et al.	395	237	12/27/1994
	F	5,819,238	10/06/1998	Fernholz	705	36	12/13/1996
	G	5,845,266	12/01/1998	Lupien, et al.	705	37	12/12/1995
	H	5,846,132	12/08/1998	Junkin	463	42	04/10/1996
	I	5,905,974	05/18/1999	Fraser, et al.	705	37	12/13/1996
	J	5,924,082	07/13/1999	Silverman, et al.	705	37	06/07/1995
	K	5,950,176	09/07/1999	Keiser, et al.	705	37	03/25/1996
	L	6,012,046	01/04/2000	Lupien, et al.	705	37	10/16/1997
	M	6,014,643	01/11/2000	Minton	705	37	08/26/1996
	N	6,016,483	01/18/2000	Rickard, et al.	705	37	09/20/1996
	O	6,029,146	02/22/2000	Hawkins, et al.	705	35	08/21/1996
	P	6,120,376	09/19/2000	Cherry	463	16	03/10/1998
	Q	6,236,900 B1	05/22/2001	Geiger	700	91	05/03/1999
	R	6,347,086 B1	02/12/2002	Strachan	370	389	09/04/1998

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							YES	NO
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		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	6,371,855 B1	04/16/2002	Gavriloff	463	42	09/08/2000
	B	6,470,324 B1	10/22/2002	Brown, et al.	705	28	02/19/1999
	C	6,669,565 B2	12/30/2003	Liegey	463	42	02/05/2001
	D	6,688,978 B1	02/10/2004	Herman	463	25	03/12/2001
	E	6,711,550 B1	03/23/2004	Lewis, et al.	705	10	03/31/2000
	F	6,925,446 B2	08/02/2005	Watanabe	705	26	02/22/2001
	G	6,939,137 B1	09/06/2005	Colaio, et al.	434	107	12/12/2001
	H	7,001,279 B1	02/21/2006	Barber, et al.	463	42	08/30/2002
	I	7,006,991 B2	02/28/2006	Keiser, et al.	705	37	11/21/2002
	J	7,031,938 B2	04/18/2006	Fraivillig, et al.	705	36 R	11/26/2003
	K	7,076,459 B2	07/11/2006	Zhang, et al.	705	37	03/21/2001
	L	7,099,839 B2	08/29/2006	Madoff, et al.	705	37	09/08/1999
	M	7,110,961 B1	09/19/2006	Goino	705	14	11/27/2000
	N	7,146,334 B2	12/05/2006	Hogg, et al.	705	37	12/08/2000
	O	7,152,041 B2	12/19/2006	Salavadori, et al.	705	36 R	03/10/2003
	P	7,162,447 B1	01/09/2007	Cushing	705	37	02/02/2000
	Q	7,171,386 B1	01/30/2007	Raykhman	705	37	10/08/1999
	R	2001/0003099 A1	06/07/2001	Von Kohorn	463	40	06/01/1998
	S	2002/0026390 A1	02/28/2002	Ulenas, et al.	705	27	08/23/2001
	T	2002/0062243 A1	05/23/2002	Anderson	705	10	10/02/2001

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		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	2002/0068633 A1	06/06/2002	Schlaifer	463	43	12/03/2001
	B	2002/0077880 A1	06/20/2002	Gordon, et al.	705	10	12/14/2000
	C	2002/0120490 A1	08/29/2002	Gajewski, et al.	705	10	02/26/2001
	D	2002/0161622 A1	10/31/2002	Zhang, et al.	705	10	03/21/2001
	E	2003/0018564 A1	01/23/2003	Bonnier, et al.	705	37	07/20/2001
	F	2003/0018571 A1	01/23/2003	Eckert, et al.	705	37	06/14/2002
	G	2003/0061096 A1	03/27/2003	Gallivan, et al.	705	14	05/09/2002
	H	2003/0154092 A1	08/14/2003	Bouron, et al.	705	1	05/16/2001
	I	2003/0177055 A1	09/18/2003	Zimmerman, Jr., et al.	705	10	03/14/2002
	J	2003/0204408 A1	10/30/2003	Guler, et al.	705	1	04/30/2002
	K	2003/0236734 A1	12/25/2003	Guler, et al.	705	37	06/19/2002
	L	2004/0059646 A1	03/25/2004	Harrington, et al.	705	27	07/07/2003
	M	2004/0110552 A1	06/10/2004	Del Prado	463	4	12/09/2002
	N	2004/0153375 A1	08/05/2004	Mukunya, et al.	705	26	01/23/2004
	O	2004/0192437 A1	09/30/2004	Amaitis, et al.	463	26	06/03/2003
	P	2004/0199471 A1	10/07/2004	Hardjono	705	50	04/01/2003
	Q	2004/0210507 A1	10/21/2004	Asher, et al.	705	37	09/03/2003
	R	2004/0225554 A1	11/11/2004	Chiappetta, et al.	705	10	05/08/2003

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		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	2005/0021441 A1	01/27/2005	Flake, et al.	705	37	07/22/2003
	B	2005/0049731 A1	03/03/2005	Dell	700	91	07/30/2004
	C	2005/0055302 A1	03/10/2005	Wenger, et al.	705	36	06/14/2004
	D	2005/0064937 A1	03/24/2005	Ballman	463	40	09/18/2003
	E	2005/0102215 A1	05/12/2005	Ausubel, et al.	705	37	05/31/2002
	F	2005/0125333 A1	06/09/2005	Giannetti	705	37	11/20/2004
	G	2005/0154629 A1	07/14/2005	Matsuda, et al.	705	10	01/07/2005
	H	2005/0160020 A1	07/21/2005	Asher, et al.	705	35	08/09/2004
	I	2005/0160028 A1	07/21/2005	Asher, et al.	705	37	08/09/2004
	J	2005/0160029 A1	07/21/2005	Asher, et al.	705	37	08/09/2004
	K	2005/0209954 A1	09/22/2005	Asher, et al.	705	37	05/20/2005
	L	2006/0025208 A1	02/02/2006	Ramsey	463	25	07/27/2005
	M	2006/0100006 A1	05/11/2006	Mitchell, et al.	463	9	11/11/2004
	N	2006/0105840 A1	05/18/2006	Graeve	463	42	05/16/2005
	O	2006/0116950 A1	06/01/2006	Poffenberger, et al.	705	37	11/18/2005
	P	2006/0143099 A1	06/29/2006	Partlow, et al.	705	35	09/23/2004
	Q	2006/0173761 A1	08/03/2006	Costakis	705	35	04/17/2006
	R	2006/0173764 A1	08/03/2006	Costakis, et al.	705	35	04/18/2006
	S	2006/0259381 A1	11/16/2006	Gershon	705	35	04/11/2006
	T	2006/0277135 A1	12/07/2006	Jain, et al.	705	37	06/03/2005

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	A	2006/0293995 A1	12/28/2006	Borgs, et al.	705	37	06/28/2005
	B	2007/0054718 A1	03/08/2007	Del Prado	463	1	09/22/2006
	C	2007/0060380 A1	03/15/2007	McMonigle, et al.	463	42	11/10/2006
	D	2007/0061240 A1	03/15/2007	Jain, et al.	705	37	09/15/2005
	E	2007/0073608 A1	03/29/2007	Garcia	705	37	02/06/2006

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	F	DE 35 39 545 A1	11/07/1985	Germany	G06F	15/21		X
	G	EP 1 132 836 A1	09/12/2001	EPO	G06F	17/60		
	H	JP 2002049789	02/15/2002	Japan	G06F	17/60	Abstract Only	
	I	KR 2001065086	07/11/2001	Korea	G06F	17/60		
	J	KR 2001098204	11/08/2001	Korea	G06F	17/60		
	K	KR 2002042036	06/05/2002	Korea	G06F	17/60		
	L	WO 98/58333 A1	12/23/1998	PCT	G06F	17/60		

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)
DATE

M	Nils H. Hakansson, et al.; The Journal of Finance; <i>On the Feasibility of Automated Market Making by a Programmed Specialist</i> ; Vol. XL, No. 1; pp. 1-20.	03/1985
N	William C. Freund; California Management Review; <i>Trading Stock Around the Clock: The Future Growth of Global Electronic Markets</i> ; 34, 1; ABI/INFORM Global; pp. 87-102.	1991
O	Barbara Howard; The Trade; Institutional Investor; <i>Technology Aims to Take the Final Step</i> ; pp. 15-16.	01/1991
P	Richard R. Lindsey, et al.; Financial Analysts Journal; <i>Specialist vs. Saitori: Market-Making in New York and Tokyo</i> ; 48, 4; ABI/INFORM Global; pp. 48-57.	July/Aug. 1992
Q	K. C. Chan, et al.; The Journal of Business; <i>Market Structure and the Intraday Pattern of Bid-Ask Spreads for NASDAQ Securities</i> ; Vol. 68, No. 1; pp. 35-60.	01/1995
R	Jia Ye; <i>An Investigation of Market Fragmentation and the Specialist's Quotation Strategy</i> ; 97 pages.	08/1995
S	Robert Bloomfield; The Accounting Review; <i>The Interdependence of Reporting Discretion and Informational Efficiency in Laboratory Markets</i> ; Vol. 71, No. 4; pp. 493-511.	10/1996
T	Christine DeMartini, et al.; <i>A New and Improved Design for Multi-Object Iterative Auctions</i> ; 45 pages.	03/15/1999

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PTO-1449

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						YES NO
B						

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)
DATE

C	Robin D. Hanson; IEEE Intelligent Systems; Trends & Controversies; <i>Decision Markets</i> ; pp. 16-20.	May/June 1999
D	In Science; <i>The Real Power of Artificial Markets</i> ; pp. 987-988.	02/09/2001
E	Net Exchange Speaks at Eye for Energy Conference in Amsterdam; <i>Net Exchange provides insight into evolution of energy trading</i> ; 2 pages.	03/28/2001
F	Net Exchange Architects of Markets; <i>Market Architecture: Improving Markets by Enhancing Choice</i> ; 9 pages.	05/2001
G	Net Exchange Presents at Energy Venture Fair; <i>Net Exchange presents innovative solutions that address challenges faced by the energy industry</i> ; 1 page.	06/26/2001
H	Net Exchange Addresses Dash Optimization User Group; <i>Net Exchange disuses the application of optimization software to the commerce function of deal-making</i> ; 2 pages.	11/07/2001
I	News Futures Prediction Markets; <i>Trading uncertainty for collective wisdom</i> ; 2 pages.	12/06/2001
J	Charles R. Plott, et al.; Division of the Humanities and Social Sciences California Institute of Technology; <i>Information Aggregation Mechanisms: Concept, Design and Implementation for a Sales Forecasting Problem</i> ; 34 pages.	03/2002
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 Applicant(s)
Joseph M. Asher, et al.

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U.S. PATENT DOCUMENTS

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